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March 15, 2001

Hon. Robert O'Farrell
Presiding Judge of the Superior Court
Monterey County
P.O. Box 1819
Salinas, CA 93902

Re: Response to Monterey County Civil Grand Jury

Dear Honorable Judge O'Farrell:

We respectfully submit the City of Seaside's response to the Monterey County Civil Grand Jury Final report on Monterey Bay Contamination, Part 2: Storm Water Run-Off Permit Requirements.

FINDINGS:

1. While Agencies may find it easy to write the plan, implementation of the six items on the list will require extensive research and planning. In some instances, Agencies may be forced to uncover new funding sources to meet some of the permit requirements. For example, surveys may be needed to determine which run-off areas require preventative action, and additional Agency funds may be required to purchase equipment or hire contractors to develop or implement plans.

RESPONSE: The respondent agrees with the finding.

3. Local Agencies have joined together under the recently formed Storm Water Subcommittee to explore a possible partnership for meeting the NPDES requirements. The objective of the subcommittee, formed by the Monterey Regional Water Pollution Control Agency, is to explore the advantages, disadvantages, and feasibility of having a regional permit, rather than individual permits for each entity.

RESPONSE: The respondent agrees with the finding.

4. With the exception of the City of Monterey, responses to the Grand Jury letter suggested that Agencies may not be fully aware of the scope of their responsibility under provision of the NPDES permit requirements

RESPONSE: The respondent agrees with the finding.

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5. Noncompliance with the NPDES permit requirements by March 10, 2003, leaves agencies vulnerable to lawsuits from citizens, as well as sanctions for violations of the Clean Water Act. Those sanctions can include monetary penalties.

RESPONSE: The respondent agrees with the finding.

RECOMMENDATIONS:

1. Agencies requiring an NPDES Phase II permit immediately begin all necessary preparations for meeting the federal requirement. Full engagement on this issue, including developing auxiliary funding sources if they are necessary, must begin now to ensure the best chance of meeting the requirements by March 10, 2003.

RESPONSE: The recommendation has been implemented. City staff have attended all necessary workshops to educate themselves with the NPDES Phase II permit requirements. The City Council has authorized staff to work with the Monterey Regional Water Pollution Control Agency (MRWPCA) to create a regional plan. MRWPCA has agreed to be the lead agency in obtaining the permit for the cities within the Monterey Peninsula. City Staff is in the process of writing a request for proposal for a consultant to develop a program to meet the six minimum requirements of the permit and to assist in the creation of a storm drain fee to fund the program.

2. Local agencies use the City of Monterey as a resource in meeting Phase II requirements. The Model Urban Run-off Program guide can be utilized by all Agencies in meeting the federal mandate.

RESPONSE: The recommendation has been implemented. City staff have been using the Model Urban Run-off Program guide and have attended three workshop sessions (June 22, September 13, and Nov 16, 2000) regarding implementation of the guidelines. The Model Urban Run-off program guide is the basic tool for the city in meeting the federal mandate.

3. Agencies work with the Storm Water Subcommittee to develop a regional plan to meet the permit requirements. Such a plan could allow Agencies to realize certain economy of scale savings and a more successful implementation of NPDES.

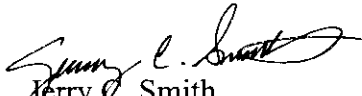
RESPONSE: The recommendation has been implemented. The City Council approved the city's participation in a regional NPDES phase 2 Storm Water Management Permit with Monterey Regional Pollution Control Agency (MRWPCA) as the Administrative Agent for the regional permit at their December 14, 2000 meeting. City Staff has been assigned to the Storm Water Subcommittee.

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4. Agencies study Phase II requirements carefully to ensure they are well prepared to meet any necessary requirements. With the exception of Monterey, all agencies cited in the response section must demonstrate a formal plan for meeting the six minimum requirement outlined in the report.

RESPONSE: The recommendation has not yet been implemented, but will be implemented in the future. City Staff is in the process of writing a request for proposal (RFP) for a consultant to develop a program to meet the six minimum requirements of the permit and to assist in the creation of a storm drain fee to fund the program. The RFP is anticipated to be completed by June and will be budgeted for award in fiscal year 2001-2002.

Sincerely,



Jerry C. Smith
Mayor, City of Seaside